

REMARKS

This responds to the Office Action mailed on January 10, 2008.

Claim 19 is amended; as a result, claims 1, 2, and 4-39 are now pending in this application.

Examiner Interview

A telephonic interview with the Examiner was conducted on June 2, 2008. The participants of the interview include Examiner Michael A. Cuff and Applicants' representative, David N. Tran (Registration No. 50,804). No exhibits were shown. The discussion was mainly based on Applicants' belief that none of the references discloses the payment processor receiving payment information from the buyer. The Examiner indicates that it makes no difference if it's the buyer or the seller that provides the information because the buyer's information is eventually received by the payment facilitator. Applicants disagreed with the Examiner's interpretation. No agreement was reached.

§103 Rejection of the Claims

Claims 1-39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee et al. (U.S. Publication No. 2002/0099649; hereinafter "Lee") in view of Cook (U.S. 6,853,987), in view of Findley (U.S. 6,108,642) and further in view of Tsiounis et al. (U.S. Publication No. 2001/0039535; hereinafter "Tsiounis").

Claim 1 recites in part:

"receiving, by the payment facilitator via a web site interface associated with the payment facilitator, sale information pertaining to a purchase of a product from a seller, wherein the sale information includes an email address for the seller;
receiving, by the payment facilitator via the web site interface, payment information from a buyer, where the payment information includes an email address for the buyer, and wherein the payment information is received from the buyer in response to an email generated invoice sent to the email address of the buyer or sent in response to an email generated notification of a location that the buyer can acquire the email generated invoice where the location is sent to the email address of the buyer;

performing, by the payment facilitator, automated analysis of transaction information including the sale information and the payment information to detect whether the transaction information indicates fraud, and wherein the payment facilitator executes a software program to process at least some information associated with historical information, in order to determine whether fraud is present.”

(Emphasis added.)

On page 2, third paragraph, of the Office Action mailed on January 10, 2008, the Examiner alleged that Lee discloses the limitation “receiving payment information from a buyer”, referring to block 304 of Lee’s Figure 3. Applicants respectfully disagree.

In Figure 3, Lee discloses multi-key identification of the purchasers. The multi-key solution uses a number of fields including name, addresses, phone numbers, social security number, email address, etc. Other keys such as frequent flier number, company name, company address or telephone number, fax number, account number, and (the) like may also be used. (Paragraphs 0080-0090)

Lee then discloses the operation of block 304 by indicating that “(T)his information is collected 304 from many different merchants from transactions 302 conducted at these merchants’ e-commerce sites. More particularly, a large number of transactions are accumulated from the many merchant sites.” (Paragraph 0091).

Thus, Lee clearly discloses that the information is received from the merchants. In addition, the information described by Lee in paragraphs 0080-0090 does not include payment information.

On the contrary, claim 1 includes the limitation “receiving, by the payment facilitator via the web site interface, **payment information from a buyer**.” This is an important distinction because it is safer for the buyer to be the party who provides the buyer’s payment information. In other words, it is safer for the buyer to have the payment facilitator receives the payment information from the buyer instead of from someone others than the buyer (e.g., the seller). The limitation focuses on who the information is received from and what type of information is received.

Applicants submit that, at least for this reason, claim 1 and its dependent claims are patentable over Lee in view of Cook and in further view of Findley.

Applicants submit that, at least for the same reason, independent claims 19 and 27 and their corresponding dependent claims are also patentable over Lee in view of Cook and in further view of Findley.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney at 408-278-4059 to facilitate prosecution of this application.


If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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By


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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 10 day of June, 2008.


Name


Signature